

*Town of North Andover*  
**ZONING BOARD OF APPEALS**

*Approved*  
*Oct*  
*22, 13*

*Albert P. Manzi III, Esq. Chairman*  
*Ellen P. McIntyre, Vice-Chairman*  
*Richard J. Byers, Esq. Clerk*  
*D. Paul Koch Jr. Esq.*  
*Allan Cuscia*



Associate Member  
*Michael P. Liporto*  
*Deney Morganthal*  
*Doug Ludgin*  
Zoning Enforcement Officer  
*Gerald A. Brown*

**DRAFT MINUTES**

**Tuesday, October 1st, 2013 at 7:00 PM**  
**Senior Center 120R Main Street, North Andover, Massachusetts**

**Members present:** Ellen McIntyre, Richard Byers D. Paul Koch Jr., Esq., and Allan Cuscia  
**Associate Members** Michael Liporto and Deney Morganthal  
**Also in attendance:** Curt Bellavance

McIntyre called this special meeting to order at 7:01

**North Andover Holdings, LLC 16 Berry Street/Riding Academy Preserve, North Andover, MA**  
**(Map 106.D, Parcel 0032).**

M.G.L. Chapter 40B, Section 21 for a Comprehensive Permit

McIntyre stated tonight that the topics will be the review for Sewage, presented by Weston and Sampson and also an update to get everyone up to speed from Curt Bellavance regarding this project.

With that being said Tara McManus, project manager from Weston and Sampson out of Peabody walked up to the podium.

McManus stated that they reviewed the development in regards to sewage and did not find any negative impact. The present system was adequately sized with no major concerns. McManus briefly spoke of the calculations used, flow rates, and present pipes and that the review and calculations were based on 250 units.

McIntyre asked the Board if they had any questions.

McIntyre also stated that Tim Willet, Operation Manager for the Town of North Andover is also here and has a detailed report with regards to sewage.

McIntyre asked Curt Bellavance, Director of Community Development in North Andover to bring everyone up to speed.

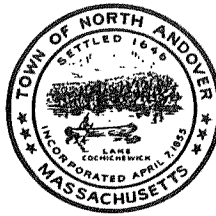
Bellavance stated that the last meeting we had with evidence presented was July 23<sup>rd</sup>.

Bellavance also spoke of the meeting in July between various departments in town to make sure everyone was on the same page with this project.

He also spoke of the August 13<sup>th</sup> workshop with the staff and the applicant. At that workshop they talked of various issues and concerns that the Board and the Berry Street Association raised at various meetings.

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Bellavance stated that they had a follow up workshop on September 9<sup>th</sup> with staff and applicant. Bellavance spoke of the various conceptual plans that were proposed and also stated that the applicant had workshops with some of the Berry Street Association. Bellavance spoke of how the staff gave feedback to the applicants regarding the plans. Bellavance also spoke of Conceptual Plan #3 that was submitted last week at the office. Bellavance stated in summary that this is what has been happening in the last few months regarding the Berry Street project.

McIntyre stated that originally the applicant wanted to continue this hearing for another night, but McIntyre felt it was important to bring in this new evidence they had in regards to Sewage, workshops and meetings to everyone.

Koch questioned how the workshops went with the neighborhood and the applicant. Bellavance stated he has talked to some of the neighbors about various issues and concerns, but did not attend the meeting between the applicant and the neighborhood, so he did not have a sense of what these meetings were about.

Byers questioned Bellavance on the number of affordable units and how they were calculated and added into the town's calculations. Bellavance stated we have about 7% units that are affordable, that is once all the units from Stevens Corner are added into the calculations. Bellavance stated that the town is still under 10%.

Bellavance spoke of the differences between rentals and home ownership. Rentals are counted in as 100% towards the affordable calculation, but owner affordable homes, only count in the affordable units and not the total development.

McIntyre turned over the floor to the applicant.

Atty. Regnante walked up to the podium and wanted to discuss with the Board the newest conceptual plan and compare the other conceptual plans.

McIntyre spoke up and stated that she was not planning on, or was she or the Board prepared on hearing about the new design(s), since it was not on the agenda. She reminded Regnante that he originally wanted to cancel the meeting, so that is why this hearing tonight was just on sewage and getting everyone up to speed on what has been taking place at these workshops and various meetings. McIntyre reiterated that she at least wanted to present and get the Board up to speed with the information that they had already.

Eric Loth immediately walked up to the podium and wanted to answer Koch's question regarding the workshop.

McIntyre stated that she would like to hear from the neighborhood first, with regards to the workshops.

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With that being said, Jeff Moon, of 141 Berry Street, President of the Berry Street Association walked up to the podium and spoke briefly of what took place at some of the meetings (workshops) with the applicant. He spoke of the conceptual plans that were presented at these workshops. Moon also stated he did appreciate that the applicant accommodated them and took time to listen to their feelings, concerns and suggestions.

Moon stated that we have had discussions with the applicant and they've been frank discussions. Moon said the applicant has what they want but we have our concerns.

Moon stated that he and the neighbors still have some genuine concerns with this project. Moon listed a few of the concerns such as height, number of units, environment, traffic, safety as well as the impact on the neighborhood and community and the appropriateness of the project itself. Moon went on to say that we have residents who have lived in this area a long time and are concerned about the impact.

Moon stated that he wants to have continued dialogue with the applicant. Moon wanted the Board to know that this information was reported back to the rest of the neighborhood (since not everyone attended these workshops). Moon is hoping that they could eventually share a common ground that everyone will be satisfied, between the neighborhood and the applicant.

McIntyre asked Moon when they met for these meetings. Moon responded in June, August and September.

Cuscia asked Moon what kind of feedback did he get from the neighborhood, Moon responded that it was a healthy feedback, but it is also an emotional issue as well for some of the residence. Cuscia then asked where the meetings were held, Moon responded at the office of North Andover Holdings.

Koch praised Moon for using positive words and also wanted to thank him for taking the effort to represent the neighborhood. Koch felt encouraged and please by what he heard from Moon.

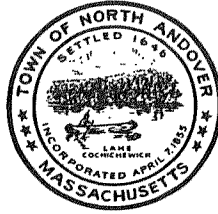
Moon stated that there is still a divide amongst the Association. Moon stated he is trying to bring the voice of others to the applicant, since he represents the Association

McIntyre asked if another workshop was planned, Moon responded that they would most likely have one in a week or two.

Koch thought that Loth may want to respond back to the Board regarding the workshops with the Berry Street Association and neighborhood.

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Loth walked back to the podium and spoke of the workshops and also various designs that possibly would give the property more open space. Loth spoke of the concerns with Conservation. He also spoke of a second conceptual plan that Eggleston and Conservation gave a favorable feedback. Loth spoke of opening up a vista and how various building would be relocated.

Loth showed that conceptual plan to the abutters, but they did not share the same feeling as Eggleston and Conservation. With that the applicant felt that they should go back to the drawing board. Loth stated that all these plans are conceptual. Loth stated that the 3<sup>rd</sup> plan seemed fairly positive with the neighborhood, but they still had concerns with safety and traffic.

Loth stated not only does everyone around here have to live with what we build, but we're going to have to live with it too.

Cuscia asked of the number of units of the newest conceptual plan along with how many units for 1, 2 or 3 bedrooms (what would the breakdown be).

Loth responded to Cuscia that their will be about 216 units, but could not give a definite answer on how many 1, 2 and 3 bedroom units would be available.

Byers asked Loth to point out on the conceptual map where the cemetery was located. Loth showed the Board the exact spot of the cemetery on the plan.

Loth stated that they want to minimize the impact of this project to the neighborhood, and town. Hopefully it is something that everyone can get behind and agree upon.

Byers expressed concerns with the rest of the property, and if they intended to build further into the property in the future.

Loth stated that Conservation talked of restrictions on the open land, this is still under consideration. McIntyre stated that they could add conditions to the Decision.

Loth spoke of meeting with the Town and neighbors for further workshops before the October 22<sup>nd</sup> meeting.

McIntyre and Byers spoke of trails with Loth.

Cuscia expressed his concerns with having one entrance on the property. Cuscia stated that the traffic tie-up on Berry Street will be a nightmare.

Cuscia spoke of the traffic coming and going from the property, during high peak times. Cuscia did not buy into what the Traffic Engineers presented regarding the traffic flow. Cuscia had his doubts regarding these reports that were discussed and presented at past meetings.

McIntyre talked of the next meeting, Tuesday, October 22<sup>nd</sup> and also that Edith Netter will be attending

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**Acceptance of Minutes July 18, 2013 and July 23, 2013 and Sept 17<sup>th</sup>, 2013**

Byers made the motion to approve the Minutes for July 18, 2013, July 23, 2013 and Sept 17<sup>th</sup>, 2013

Koch second the motion.

Those voting in favor to approve the minutes; McIntyre, Byers, Koch, Cuscia, Liporto and Morganthal

Byers made a motion to continue till October 22<sup>nd</sup> at 7:00 pm

Koch second the motion

Those voting to continue till October 22<sup>nd</sup>; McIntyre, Byers, Koch, Cuscia, Liporto and Morganthal.

**Adjourn Meeting**

Cuscia made a motion to adjourn the meeting.

Byers second the motion

Those voting in favor to adjourn were McIntyre, Byers, Koch, Cuscia, Liporto and Morganthal

**Adjournment: 7:45**